

ENTERED

February 28, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v.

JOSHUA LEON BEARD,
Defendant.

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CRIMINAL ACTION NO. 4:22-CR-92-1

ORDER

Pending before the Court is Defendant's Motion to Dismiss the Indictment Based Upon Lack of Sufficient Constitutional Nexus with Interstate Commerce. (Doc. No. 27). The motion is hereby denied. The arguments in Defendant's motion are foreclosed by well-established Fifth Circuit precedents, including: *United States v. Perryman*, 965 F.3d 424, 426 (5th Cir. 2020); *United States v. Alcantar*, 733 F.3d 143, 145 (5th Cir. 2013); *United States v. De Leon*, 170 F.3d 494, 499 (5th Cir. 1999); *United States v. Gresham*, 118 F.3d 258, 264 (5th Cir. 1997); *United States v. Wallace*, 889 F.2d 580, 583 (5th Cir. 1989); *United States v. Lister*, 576 F. App'x 391, 392 (5th Cir. 2014) (unpublished).

Therefore, absent a contrary ruling by the Fifth Circuit Court of Appeals, this Court denies Defendant's motion.

SIGNED at Houston, Texas this 27th day of February, 2023.



Andrew S. Hanen
United States District Judge